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September 13, 2000

Ms. Alice Kang
Reports Analyst
Federal Election Commission
Reports Analysis Division
Federal Election Commission
Washington, DC 20463

Re: ID No. C00360701 ("New Mexicans for Nader")

Dear Ms. Kang:

Following up our telecon today, this letter constitutes a tentative response to yours of August 30 addressed to Patti Gladstone.

"Political party means an association . . . which nominates or selects a candidate for election to any Federal office, whose name appears on an election ballot as the candidate of the association.

" 11 CFR Sec. 100.15; 2 U.S.C. Sec. 431 (16).

Under this definition both the ASGP and the NMGP are "political parties" (as are the Green parties of all states wherein one or more candidates for election to any Federal office, nominated or selected by that party, appear(s) on an election ballot.)

A "State committee" is defined as "the organization which by virtue of the bylaws of a political party, is responsible for the day to day operation of the political party at the State level, as determined by the Commission." (My emphasis.) 11 CFR Sec. 100.14(a). And a "subordinate committee of a State committee" includes "any organization under the control or direction of the State committee." 11 CFR Sec. 100.14(b).

The Commission has, as I understand it, determined that the

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NMGP is, in fact and in law, a "State committee of a political party."

The Electoral Committee of the NMGP, which exists and operates under the control or direction of this State committee, is a "subordinate State party committee" according to this definition.

The requirement for the candidate's written authorization set forth in 11 CFR Sec. 102.13(a) is expressly made inapplicable to a "State or subordinate State party committee which solicits funds to expend on the candidate's behalf. . . ." by 11 CFR Sec. 102.13(b).

Since a candidate is "not required to authorize . . . [the] subordinate State party committee" to solicit funds to be expended on his/her behalf, the prohibition against an "unauthorized" committee's inclusion of the candidate's name in its title is not applicable.

As advised, we were informed at the June national convention in Denver that the Green parties of New Mexico, New York, Maine and Hawaii had theretofore been recognized by the FEC as "State committees" of the national party, a status which we will both undertake to confirm.

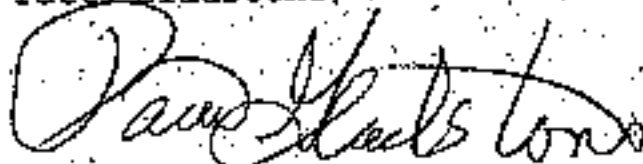
With respect to the apparent discrepancy between Line 5(f) and Line 6 of the "Statement of Organization", this "subordinate State party committee" does maintain a "separate segregated fund". Given your advise that maintenance of such a separate segregated fund means that it cannot be considered a "connected organization" for Line 6 purposes, please consider this letter (which has been countersigned by Patti Gladstone, the Treasurer for that reason) as the suggested amendment to the Statement of Organization, "to clarify this discrepancy."

Very truly yours,


Marvin H. Gladstone

The foregoing response and amendment of Lines 5(f) and 6 are approved and adopted by me.

Patti Gladstone, Treasurer, NMN



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P.S. I caught this letter after our second telecon today, and before the postman took it.

You have confirmed that the Green Party of New Mexico had in fact been designated by a 1997 FEC Advisory Opinion as a "State committee" but that, contrary to my understanding, the status had not been perfected by a Form 1 filing. I am in the process of checking out that question and filing or refileing, as the case may be.

You have also advised that, my reading of the Regs to the contrary notwithstanding, the statute prohibits use of the name "Nader" without the candidate's authorization. I am also in process of examining that issue and requesting the authorization, if required.

Thank you for your assistance in resolving these questions.

MHG

cc: Thomas Lindsay, Esq.
David Cobb, Esq.
Rob Hager, Esq.

Federal Election Commission

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FOR INCOMING DOCUMENTS**

The Commission has added this page to the end of this filing to indicate how it was received.

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<i>Asked the Analyst to take a look at this before we file it. Received back on 9/19/00 J.A.C.</i>	
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